

Tel: 303-629-3400
Fax: 303-629-3450



PATENT
Attorney Docket No. 1228/US/2
Express Mail Label No. EV 423773375 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

| | | |
|------------|------------------------------------|----------------------------|
| Applicant | : Cornay et al. | |
| Appln. No. | : 10/723,366 | Confirmation No: 8026 |
| Filed | : November 26, 2003 | Group Art Unit: 1723 |
| Title | : CONCENTRIC TUBULAR CENTRIFUGE | Examiner: Not Yet Assigned |

RESPONSE TO DENIED REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
Attn: Office of Initial Patent Examination's
Filing Receipt Corrections
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It has been noted that the Filing Receipt dated April 13, 2004, contains errors in priority information. The correct priority information is noted in the following paragraph, marked to show changes:

This application is a DIV of 09/828,296 04/06/2001
which claims benefit of 60/195,686 04/07/2000 and 60/215,499 06/30/2000
~~which~~ and is a CIP of 09/707,430 11/06/2000
which is a CON of 09/298,272 04/23/1999 PAT 6,142,924
which is a CON of 08/950,377 10/14/1997 PAT 5,944,648
which claims benefit of 60/028,556 10/15/1996
~~This application 10/723,366~~
~~claims benefit of 60/495,686 08/15/2003~~

Serial No. 10/723,366
Attorney Docket No. 1228/US/2
Express Mail Label No. EV 423773375 US

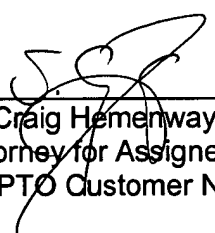
A copy of the Filing Receipt with the correction noted thereon is attached, as well as a copy of the Response to Request for Corrected Filing Receipt.

The Response to Request for Corrected Filing Receipt, issued April 28, 2004, indicates priority cannot be directly claimed to United States provisional applications serial nos. 60/195,606 or 60,215,499, insofar as the present application was filed more than one year after the filing of the provisional applications. As indicated in the present file for the instant application, this response, and the Declaration filed in the instant case (a copy of which is enclosed), this application claims priority to U.S. patent application no. 09/828,926 (the "'926 application") which in turn claims priority to the provisional applications in question. The '926 application was filed within one year of both provisional applications, and was granted priority to both. Accordingly, the chain of priority shown in this submission is proper and establishes priority to both provisional applications. The Applicant apologizes for any confusion caused in this case, and further respectfully requests the issuance of a corrected filing receipt showing the corrected priority information.

It is believed no fee is due for this submission. However, if any fees are due, the Office is hereby authorized to use our Deposit Account No. 04-1415.

Dated: May 28 2004

Respectfully submitted,



S. Craig Hemenway, Registration No. 44,759
Attorney for Assignee
USPTO Customer No. 20686

DORSEY & WHITNEY LLP
370 Seventeenth Street, Suite 4700
Denver, Colorado 80202-5647
Tel: 303-629-3400
Fax: 303-629-3450



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/723,366 | 11/26/2003 | 1723 | 960 | 1228/US/2 | 24 | 60 | 8 |

CONFIRMATION NO. 8026

20686

DORSEY & WHITNEY, LLP
 INTELLECTUAL PROPERTY DEPARTMENT
 370 SEVENTEENTH STREET
 SUITE 4700
 DENVER, CO 80202-5647

UPDATED FILING RECEIPT



OC000000012333850

Date Mailed: 04/13/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Paul J. Cornay, Longmont, CO;
 Ernest Peter Tovani, Englewood, CO;
 Gary Matzen, Longmont, CO;

Domestic Priority data as claimed by applicant

~~This application is a DIV of 09/828,296 04/06/2001
 which is a CIP of 09/707,430 11/06/2000
 which is a CON of 09/298,272 04/23/1999 PAT 6,142,924
 which is a CON of 08/950,377 10/14/1997 PAT 5,944,648
 This application 10/723,366
 claims benefit of 60/495,686 08/15/2000~~

This application is a DIV of 09/828,296 04/06/2001
 which claims benefit of 60/195,686 04/07/2000 and
 60/215,499 06/30/2000 and
 is a CIP of 09/707,430 11/06/2000
 which is a CON of 09/298,272 04/23/1999 PAT 6,142,924
 which is a CON of 08/950,377 10/14/1997 PAT 5,944,648
 which claims benefit of 60/028,556 10/15/1996

Foreign Applications

If Required, Foreign Filing License Granted: 02/25/2004

Projected Publication Date: 07/22/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Concentric tubular centrifuge

Preliminary Class

494

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

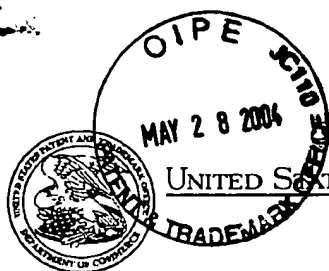
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/723,366 | 11/26/2003 | Paul J. Cornay | 1228/US/2 |

CONFIRMATION NO. 8026

20686
 DORSEY & WHITNEY, LLP
 INTELLECTUAL PROPERTY DEPARTMENT
 370 SEVENTEENTH STREET
 SUITE 4700
 DENVER, CO 80202-5647



OC000000012472710

Date Mailed: 04/28/2004

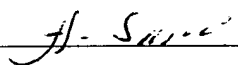
RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY